

BOARD OF MAYOR AND ALDERMEN

February 1, 2005

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll. There were eleven Aldermen present.

Present: Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, O'Neil, Lopez,
Shea, DeVries, Garrity and Forest

Absent: Aldermen Guinta, Smith and Thibault

Mayor Baines stated announcements before I begin the meeting this evening. I did send a memo about the budget process and inviting you to come in individually to talk about issues related to the budget during the next few weeks. If you could contact Seth and set up a time I'd be glad to sit down and talk with each member individually if you have some input during my phase of the budget. Secondly, I'd like to announce that this afternoon Drew Weber came forward and made his first payment fifty percent (50%) of the rent for the first year of the stadium (\$452,257.00) right, Kevin, which was his obligation. Once again, Drew has met every single obligation before him relating to the stadium and he was very delighted and very excited about the opening game which is on April 7th and recent coverage in *The Union Leader*, by the way, has spurred tremendous interest in ticket sales and I'm very pleased to report that his wife Joanne is doing much better and he was very upbeat about that personal situation as well. So, it was a very nice meeting with him today because I hadn't seen him for a while but he's very excited about the opening April 7th and want to congratulate him for this great effort on behalf of our City and I informed the Chairman of the Committee this afternoon that payment was received. I'd like to introduce Senator Lou D'Allesandro just to make a brief presentation about an issue that we have been working with about immigrant licensing which the Senator and I have been up to Concord to address with the Commissioner of Safety and I'd like the Senator to address the issue with us this evening.

Senator Lou D'Allesandro stated thank you Mayor and distinguished members of the Board of Aldermen. I am Senator Lou D'Allesandro; I live at 332 St. James Avenue in Manchester in Ward 10. I want to give you a quick overview of a meeting that was held Sunday at the Grace Church here in Manchester attended by myself, Alderman Lopez was also there with the Granite State Coalition to discuss the licensing situation that has affected the immigrant population here in the City of Manchester. As the Mayor has pointed out, we have met on a few occasions with the Department of Motor Vehicles and tried to work out a situation whereby the hardship of going to Concord to get an initial license has been problematic. Currently, there is a dialogue taking place between the Attorney General's Office and the

population here in Manchester represented by legal services. That dialogue is an on-going process. I spoke with the Attorney General in charge of that today. The problem is this...in order to get an initial license you have to go to Concord, you have to bring a series of papers with you, sometimes there's an elongated period of time...people have an economic problem because of the fact that they might have to leave work for a day, there's a transportation problem...they may not be able to get a ride up to Concord and these are significant problems that really face the two major cities in the State (Manchester and Nashua)...that's where the greatest concentration of the immigrant population is located. So, just to bring people up-to-date: (a) there is a dialogue between the Office of the Attorney General, the Assistant Attorney General representing safety and legal assistance. We hope that something positive can emanate from that discussion. As a public official, all of us as public officials we want to represent our constituencies in the best possible manner, we want to do what we can to make sure that this constituency is serviced properly and an on-going effort is in place to do that. I thought the meeting was successful in that people did have an opportunity to express their concerns, their concerns will be brought to the proper authorities and we will work to solve this problem. It's going to take the City of Manchester, the Office of the Mayor, I think the City of Nashua and the Office of the Mayor in order to stimulate DMV and to bring them into a situation where they will be supportive of maybe bringing the ability to grant these licenses in the City of Manchester and also for the City of Nashua. Director Beecher has been open with me, Director Beecher has been around for a long time, I think she does a great job for DMV...this is one problem that we have to solve...we're in the business of problem solving and I think we can also solve this one. Remember that that basic safety and security are paramount in everybody's mind and that is a very, very significant issue. There's another issue...I'll close by saying that in some licenses a heavy blue line is underneath the picture of the recipient and I'm told by Director Beecher that that blue line occurs when you have a duplicate license and every person who gets a duplicate license has that connotation on their license. There seems to be some concern that that's not the case. Director Beecher told me that that was the case and we're looking into that to make sure that that's it. So, that's an up-to-date report on what happened on Sunday. I did speak with Director Beecher yesterday, I was in contact with the Office of the Attorney General today and I'll keep you up-to-date on what's happening as far as the State's concerned.

Mayor Baines stated just to let you know the Mayor of Nashua and I and Senator D'Allesandro and a number of other people have met with Commissioner Flynn, Director Beech in late summer to bring our concerns around the issue to them and they're working with us and we subsequently had a forum at the Latin American Center with a number of the constituencies at the Center to try to get a resolution to this issue. So, I want to thank you for your personal involvement.

Alderman Lopez stated since it's fresh on our minds I have a communication for the Board in reference to the meeting we had on Sunday and I'd like to make a motion at this time and ask the Board of Mayor and Aldermen to support sending a letter to the Director of Motor

Vehicles in support of changing the policies and procedures in order for the immigrants in Manchester to obtain their licenses in whatever category they have to train the people in the City of Manchester as a support for Senator D’Allesandro who is working with the Attorney General and the Mayor. Alderman Porter duly seconded the motion. The motion carried with Alderman Gatsas duly recorded as abstaining.

Mayor Baines stated any of the other issues that you’ve been reading about lately Fred Rusczek the Health Officer for the City is my point person on any of those issues. As many of you know and many of you have been in conversations with him about the variety of issues, I encourage you to reach out to him or Mike Colby from my office have been spearheading our efforts surrounding the refugee issue here in our City.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under the supervision of the Department of Highways

- A. PSNH Pole Petition #11-1045 (one pole) located on Mammoth Road; PSNH Pole Petition #11-1046 (one pole) located on Temple Court; and Verizon Pole Petition #9AAUAR (one pole) located on Front Street.

Informational – to be Received and Filed

- B. Communication from Comcast submitting the 4th quarter 2004 franchise fee payment in the amount of \$280,707.09.

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- C. Recommending that Ordinance:

“Amending Sections 33.024, 33.025 and 33.026 (Reconstruction Coordinator) of the Code of Ordinances of the City of Manchester.”

ought to pass.

- D. Recommending that Ordinances:

“Amending Section 33.079(H) (Vacations) of the Code of Ordinances of the City of Manchester.”; and

“Amending Section 33.081 (4)(a) (Sick Leave) of the Code of Ordinances of the City of Manchester.”

ought to pass.

E. Recommending that Ordinance:

“Amending Chapter 90: Animals., Section 90.11 License Required of the Code of Ordinances of the City of Manchester.”

ought to pass.

F. Recommending that Ordinance:

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as West Haven Road, Map 0922/Lot 0039-A.”

ought to pass.

G. Recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zoning district to include property currently zoned R-S (Residential Suburban) located on Front Street and Hackett Hill Road and known as Tax Map 767, Lots 4 and 4B.”

ought to pass.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

I. Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O’NEIL, DULY SECONDED BY ALDERMAN DEVRIES, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Report of the Committee on Bills on Second Reading:

H. Recommending that Ordinance:

“Amending chapter 30: City Officials and Employees of the Code of Ordinances of the City of Manchester by creating §30.12 Salary of the Mayor.”

be forwarded to the voters as a non-binding referendum question at the November 8, 2005 General Election.

Alderman Osborne stated I have just one question for the City Solicitor. Once this goes out for referendum in November will this be coming back to the full Board for a vote?

Deputy City Solicitor Arnold replied it will have to...the referendum is non-binding, it takes a Board vote.

Alderman Lopez moved to accept, receive and adopt the report of the Committee on Bills on Second Reading. Alderman Shea duly seconded the motion.

Alderman Porter stated lately we have been embroiled in a discussion about qualifications and I'm not taking a position for or against an increase in the salary of the mayor. If you look at the qualifications to become mayor you have to be a resident in the City for a year, you have to maintain a domicile and be a registered voter. To hire somebody to cut the grass at the airport we need landscape experience and I would just to say that I'm not convinced that just because an individual and this is no reflection on you, Mayor, that any individual simply because they get elected i.e., getting one more vote than the next guy necessarily qualifies for a higher salary and I don't kid myself, I could run for mayor under the qualifications or the requirements to run for mayor, but do I delude myself to think that I would be a good CEO or I would be a CEO of a corporation, I don't think so and I would just like to have everyone consider what I'm saying. Perhaps we should consider having qualifications to run for mayor as we do in hiring other major department heads in the City. Thank you.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

4. Nominations to be presented by Mayor Baines.

Mayor Baines stated I am announcing this evening that I'm appoint the Mayor's Commission on Office of Youth Services...a list of people that has been outlined to you, I won't read through the names, but it's going to be Chaired by Joe Diamant the former head of YDC here in the City of Manchester. The purpose of this Commission will be to develop a five-year plan for the Office of Youth Services and the Commission will have the following tasks:

- Review the organization and purpose of the Office of Youth Services' primary functions: Alcohol and Other Drug Education and evaluation, Outreach and Diversion Programming;
- Review and evaluate the role of the Office of Youth Services as a member of the youth serving community in Manchester;
- Develop a 5-year Strategic Plan for the Office; and also to
- Empower the 15 members Office of Youth Services Advisory Board by writing the by-laws and proposing a list of nominees for consideration.

Mayor Baines stated so that Commission will be assembling shortly and will be reporting back to the Mayor and the Board of Mayor and Aldermen in a timely manner.

Alderman Gatsas stated I certainly...I have to be careful how I say this, your Honor. When you say in a timely manner it certainly would be in a better timely manner than the Procurement Code, I would assume.

Mayor Baines replied yes.

Alderman Gatsas asked can we put a...and I have some concerns here, your Honor, because I think that it's been brought to your attention...some of my concerns and obviously the expediency of this task force that's you're bringing forward, so I think it's absolutely imperative that we, as a Board, and I know that for some reason I'm concerned that I would like to see some dates and parameters put around this so that somebody's reporting back to us within the next sixty (60) days because I think it's imperative for the youth of the City that nobody falls between the cracks because we're putting the task force together to find out what is the best procedures for those children because if we lose one child that's one too many and I know how your feelings are for kids, your Honor, so I think it's imperative that we put a time frame with this so that somebody comes back and reports to us what those positions are and I know Joe Diament and I certainly respect his work, I've worked with him at YDC and I know Joe well. So, I know that he can expediate any situation and bring together a group of 22 people because it certainly will be interesting to see how 22 minds travel down the same path for youth and I'm sure that they can all do it.

Mayor Baines stated well they can use the example the way 15 minds travel together at City Hall.

Alderman Gatsas stated as long as we keep the youth in mind that's the most important issue.

Mayor Baines stated I like the 60-day format because first of all people serving on committees like that sometimes...obviously, if they need a little bit more time we would accommodate them.

Alderman Gatsas asked can we have them report back to this Board.

Mayor Baines stated we will request that.

Alderman Gatsas stated February, March...say, the first meeting in April.

Mayor Baines stated I will ask for that to be the target.

Alderman Gatsas stated thank you very much, your Honor.

Alderman Shea stated I listened to a program that Marty Boldin conducted with the four athletes...it was a wonderful program on MCTV. He used these people who are both athletes and students and I wondered, your Honor, what role he'll play in this particular Commission, I don't see his name there.

Mayor Baines replied Marty is the Director of the program and he obviously helped along with some other people recommending people to serve.

Alderman Shea asked will he be involved?

Mayor Baines replied sure currently working directly with them.

Alderman Shea stated I didn't see his name here.

Mayor Baines stated this is a group that's going to advise the Director, the Mayor, the Board of Mayor and Aldermen on what's happening here.

Alderman Shea asked will he be a part of...?

Mayor Baines replied I'm sure he's going to be a very valuable part of it working with the Chairman.

On motion of Alderman DeVries, duly seconded by Alderman Garrity, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

7. Report of the Committee on Finance.

There was no report of the Committee on Finance presented.

8. Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Reconstruction Coordinator) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.079(H) (Vacations) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.081 (4)(a) (Sick Leave) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 90: Animals., Section 90.11 License Required of the Code of Ordinances of the City of Manchester.”

“Authorizing the Mayor to Dispose of Certain Tax Deeded Property Known as West Haven Road, Map 0922/Lot 0039-A.”

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zoning district to include property currently zoned R-S (Residential Suburban) located on Front Street and Hackett Hill Road and known as Tax Map 767, Lots 4 and 4B.”

Alderman Shea moved to suspend the rules and place the Ordinances on final reading without referral to the Committee on Accounts, Enrollment and Revenue Administration. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

Alderman Roy moved to dispense with the reading by titles only of the Ordinances. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

These Ordinances having had their final presentation, Alderman Roy moved on passing same to be Ordained. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

- 12.** Communication from Alderman Gatsas requesting a discussion and information regarding going out to bid to engage Bond Counsel for the City's next contract and requesting the Finance Officer to provide information relating to the previous bidding process including documentation.

Alderman Gatsas stated I apologize for not getting back to the City Finance Officer before today but I just had the opportunity to read the information that was sent to me and certainly I appreciate the accounting that they have given me on the bid process for bond counsel. My concern was and maybe I can make a motion to table this once I express my concern is to find out what those bids were and not so much about the process because I'm not looking to micromanage the Finance Department but I certainly would be more interested in what the bids were rather than the process because if there were bids out there and my understanding is there may have been some at a lesser expense, I certainly think that this Board should be apprised of that situation.

Kevin Clougherty, Finance Officer, stated we can certainly make that information available, Alderman. The package, as I understand it, that was presented to you included the list of terms that responded to the RFP.

Alderman Gatsas that it certainly had the firms that responded to the RFP but it did not put the amounts that they responded to. So, I think that my question is more...because my understanding is that there were some firms that had put the in process or the RFP that was a lesser amount than the firm we are dealing with.

Mr. Clougherty replied that is not my understanding but I'll be happy to give you the results.

Alderman Gatsas moved to table item 12. Alderman DeVries duly seconded the motion.

Alderman O'Neil stated I'm just curious when is our existing contract up and does it leave a hole and if it does...

Mr. Clougherty stated the decision to hire bond counsel is really the responsibility of the Finance Officer and we've made that decision, we have selected another firm. Ordinarily, we were going to bring this in to the Board for informational purposes in March once we had a chance to formalize the transition, but we'll be happy to come forward...that's not going to interrupt, the decision has already been made.

Mayor Baines called for a vote on the motion to table. There being none opposed, the motion carried.

- 13.** Communication from the City Clerk requesting that the meetings for regular Board meetings be scheduled for Tuesday, March 15th and Monday, March 28th.

On motion of Alderman Garrity, duly seconded by Alderman Sysyn, it was voted to approve the City Clerk's request.

- 14.** Communication from Parks, Recreation & Cemetery requesting authorization of a PSNH utility easement located at Valley Cemetery at the intersection of Auburn and Chestnut Streets.

Alderman Forest moved to approve the request for the utility easement and further authorize the Mayor to execute such documents, subject to the review and approval of the Department of Highways and City Solicitor. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

- 15.** Report(s) of the Committee on Traffic/Public Safety, if available.

There were no reports of the Committee on Traffic/Public Safety presented.

17. NEW BUSINESS

Alderman Roy stated I hate to delay this meeting by 30 seconds by making an announcement, but I have consulted with the Chairman of the Aldermanic Board, Alderman Shea and asked Alderman O'Neil to join us on the Solid Waste Committee and he has accepted. So now the Committee consists of myself as Chairman, Aldermen Forest, Thibault, Guinta and O'Neil.

Alderman Shea stated yesterday I met with Alderman At-large Dan O'Neil and Alderman DeVries and myself as well as Mike Colby and Randy Sherman any maybe someone else, but I'm not sure. What was handed out this evening (City of Manchester – Legislative Report) was what was discussed and as you notice on the right-hand side where it says priorities they're listed either (1), (2) or (3) and the code is that if it's listed as a (1) that's to track it either up or down, if it's (2) it's to monitor it and if it's (3) it's to track it. Now, different departments have been designated to look, for instance, if you look at the second one 0045 would be forwarded to the Water Department, the next one 0056 which is food safety in restaurants would be the Health Department, Dave Scannell was there as well and the next one 0064 would be the school, 0068 Police and so forth. So, these are just designations that they would be sent to respective departments in order for them to either look it up carefully or monitor them and track them and we scheduled another meeting for the 14th at 8:30 in the morning and all of the Aldermen who are interested are welcome to come and to review with the lobbyist these particular items or whatever has transpired, might transpire and so forth. So, I appreciate the cooperation of your Assistant Mike Colby as well as the two fellow Aldermen that were there contributing.

Mayor Baines stated I appreciate your leadership of this effort as well. It's very much appreciated.

Alderman O'Neil stated it would be helpful and I think it's an old issue but probably more critical now that ever the fact that we have a lobbyist but I think it would be very important for the departments and we need to reiterate this...I believe you've sent a memo out on this as well but maybe the Board could take a vote to reaffirm your action...the departments need to let the Mayor's Office know as well as Alderman Shea as Chairman what legislation they think is important for them to appear on. I know, unfortunately, my short time I served up there there was some conflicts, I don't know if Senator Gatsas would agree with that but it's good to make sure that the City of Manchester is all on the same page especially now where we have a lobbyist, so I will make that an informal motion to reaffirm the memo you sent out and the Board of Aldermen stand behind it...departments shall let the Mayor's Office and the Chairman of the Board know of bills that they are going to appear on.

Mayor Baines stated just to make it clear they will go through Mike Colby and Mike will be talking...so there will be one contact and won't have to make a couple of phone calls.

Alderman Roy duly seconded the motion.

Alderman Gatsas stated the ones that are the (1's) are the priority of a (1)...what...

Alderman Shea stated the lobbyist will be directly with that vote up or down and that's where it's a very critical one; that is the most important item that was viewed as being a focus for us. The others were either to be monitored or to track them. The person that would

be directly responsible for that, the department, would also be involved and Mike would notify them.

Alderman Gatsas stated so there's no action being taken by this Board on any of this.

Mayor Baines replied no. There will be, I think, when there are issues...that is going to be part of the process, correct.

Alderman Shea stated if it's a (1) and it comes for a vote obviously we would give our input and make it known in terms of what we feel, as a Board, how we should be involved with it.

Mayor Baines stated that is why these regular meetings are going to be critically important so that there are certain things and Bill would be there and say I need to bring this back to the full Board of Mayor and Aldermen or we need to poll the Board in terms of their position because we won't always be able to have a meeting, but at least we can get some information out that we are going to go out and lobby hard for certain issues. But, that does not preclude as you know sometimes individually we may have different opinions on issues but that's the process and it's the best process that I've seen since I've been Mayor. So, I want to comment Alderman Shea, again, for his role in that.

Alderman Gatsas stated some of these bills, your Honor, I see a (1) after have had their hearings could come up before this Board has the opportunity to take a position...those votes could be in place.

Alderman Shea stated I think that was brought up that he's following the course of this to see where it's going and then will let us know either the 14th or whenever as to where it is and when the vote may come up and I think that that's why there is a (1) next to it because it has a direct bearing on how things will be handled at our level or how we want him to handle it.

Alderman DeVries stated all I was going to add to that is that I believe Mike Colby is also working on some notifications so that we can try to deal with the items that are coming up with very little notice either through e-mail if we have the luxury of a little bit more time or maybe some cell phone notifications specifically for individuals who are going to be in Concord and have the ability such as Senator Gatsas and myself to interject our opinions on some of these bills.

Mr. Mike Colby, Assistant to the Mayor, stated most of those that you see a (1) on them were bills that the City of Manchester asked to be sponsored, some of it was with the School District, some of it is with the Finance Officer, some of the debt swapping opportunities and a couple of them are common sense bills like the school funding bills that we want to follow very closely.

Alderman Porter stated I think regardless of the number if this list is forwarded to every department and given a relatively short time frame to respond like three or four days, at least...most of these won't necessarily involve every department but those that are involved could do a little bit of analysis and at least give an opinion because something that is a (3) to another person that could be sleepers where some precautionary information could be given by the departments.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Shea stated we are forwarding all of these to the departments in questions.

There being no further business to come before the Board, on motion of Alderman Forest, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

City Clerk